



Burundi

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Until November when a transitional government was inaugurated, Burundi was ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. President Buyoya held power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. In 1998 the Buyoya regime reached a political agreement with the opposition-dominated National Assembly, which adopted a Transitional Constitutional Act and a transitional political platform. The agreement brought the predominantly ethnic Hutu opposition party FRODEBU into the Cabinet. Since 1993 the civil war has caused thousands of civilian deaths and mass internal displacement. In June 1998, the Government and opposition parties began peace negotiations in Arusha, Tanzania. In August 2000, the Buyoya regime and other negotiating parties present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30, 2000. The agreement proposes extensive reforms of the security forces, the judiciary, and the country's political institutions. Several of the parties signed with reservations parts of the agreement, including the key issues of leadership of the transitional government, integration of the army, and the electoral system. The two major armed rebel groups declined to join the peace process. In July President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period on November 1. Buyoya was sworn in as president, and Domitien Ndayizeye, the secretary general of FRODEBU, was sworn in as vice president on November 1. Under the agreement, they will serve for 18 months; the G-7, an alliance of predominantly Hutu parties, will then select a president, and the G-10, an alliance of predominantly Tutsi parties, will select a vice president. Efforts to negotiate a cease-fire were ongoing at year's end. In April and July, officers in the predominantly Tutsi armed forces led separate coup attempts; both attempted coups failed within hours. Political parties operate under significant restraints. The judiciary is controlled by the ethnic Tutsi minority and is not impartial.

The security forces are controlled by the Tutsi minority and consist of the army and the Gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. The Government created the Guardians of the Peace, armed paramilitary civil defense units, to serve in Bujumbura, the suburbs of Bujumbura, and Bujumbura Rural, Ruyigi, Rutana, and Bururi provinces. The civilian authorities do not maintain effective control of the security forces. Members of the security forces continued to commit numerous serious human rights abuses.

The country is poor and densely populated, with 92 percent of the population of 6.2 million dependent on subsistence agriculture. Many internally displaced persons (IDP's) have been unable to grow food and depend largely on international humanitarian assistance. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which is based mainly on the export of coffee, tea, and cotton. The per capita GNP in 2000 was \$103 (74,090 Burundian francs). The Government continued its plans to privatize publicly owned enterprises, but made little progress during the year.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens do not have the right to change their government. Security forces continued to commit numerous extrajudicial killings with impunity. The armed forces killed armed rebels and unarmed civilians, including women, children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of cooperating with the insurgents. Despite President Buyoya's stated commitment to end abuses by the military, numerous abuses were committed, and perpetrators were not punished. Impunity for those who commit serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. The security forces did not cooperate with civilian prosecutors or magistrates, especially in investigations involving members of the security forces. There were credible reports of disappearances, and the security forces continued to torture, beat, and otherwise

abuse persons. Soldiers raped women. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system has a lengthy case backlog; however, the Government continued to take steps to diminish the backlog. The dysfunctional justice system was unable to resolve pressing issues of detention and impunity because of its lack of independence, inefficiency, a lack of resources, systemic corruption, administrative disruption due to the war, and the partiality of Tutsi officials. Authorities infringed on citizens' privacy rights. The Government controlled the media and restricted freedom of speech and of the press. It also restricted freedom of assembly and did not permit political demonstrations by government opponents. The Government restricted freedom of association and freedom of movement. Since 1993 the civil war has caused thousands of civilian deaths and massive internal population displacement. The armed forces sometimes limited access to certain areas by human rights observers, citing dangerous security conditions. Violence and discrimination against women continued. The Government was unable to protect the rights of children, and child prostitution was a problem. Discrimination against persons with disabilities also was a problem. The indigenous Twa (Pygmies) remained marginalized economically, socially, and politically. Societal discrimination between the Hutus and Tutsis continued. Incidents of ethnically motivated property destruction and killing occurred throughout the country. State discrimination against Hutus was widespread. Soldiers required persons, including children, mostly Hutus, to perform forced labor. Child labor, including forced labor, was a problem.

Hutu rebels also continued to commit numerous serious abuses against civilians, including killings, rapes, theft, forced labor, and the abduction of children to serve as soldiers in the ongoing conflict between rebel and government forces.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed numerous extrajudicial killings. Government forces killed numerous Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Civilians also were killed during fighting between government and rebel forces. There were reports of deaths in custody and in prison. There were several reported deaths and injuries caused by the explosion of landmines laid by both government and rebel forces. Government troops rarely were disciplined for killing civilians.

On June 2, government soldiers shot and killed nine civilians who were walking in the outskirts of Bujumbura; the soldiers reportedly mistook the civilians for rebels.

On July 10, in the Kiriri section of Bujumbura Rural province, government soldiers killed 11 civilians in retaliation for the July 9 killing by persons in a bar of a soldier who had threatened to rape a woman and who had attempted to extort money and beer. No action reportedly was taken against the responsible soldiers by year's end.

On October 25 in Bubanza province, government forces killed 13 civilians, including at least 6 women and 2 children, apparently in reprisal for the civilians' harboring of rebel soldiers.

Government forces also killed numerous civilians following fighting with rebels or in reprisal for rebel attacks. On March 14, in Kanyosha commune, Bujumbura Rural province, government soldiers killed two women following a battle with rebel forces; no action reportedly was taken against the responsible soldiers by year's end. In April in the Ruburizi section of Bujumbura Rural province, government soldiers killed approximately 30 civilians; however, it was unclear if the killings were in reprisal for military casualties or because of suspicions that the civilians had collaborated with rebels. In October in Muzinda, government forces killed 11 civilians, including two students, in reprisal for the October 4 killings of 14 soldiers by rebels (see Section 1.f.). Between November 2 and 4 in Maramya, Bujumbura Rural province, government forces killed 42 civilians in reprisal for the November 1 attack on a government army vehicle by members of the National Liberation Forces (FNL). Some of the civilians were shot as they worked in the fields, while government forces used bayonets to kill others who had taken refuge in their homes. No action reportedly was taken against the members of the security forces responsible for the killings by year's end.

Government forces also killed numerous civilians for suspected collaboration with rebels. Following a battle with rebel forces in Gishubi commune, Gitega province, that took place between February 22 and 28, government soldiers reportedly killed more than 50 civilians in reprisal for suspected cooperation with rebel forces; no action reportedly was taken against the responsible soldiers by year's end.

There were several reports of deaths in custody as a result of the Government's continued widespread use of torture (see Section 1.c.).

Deaths in prisons from disease and malnutrition continued; however, the number of such deaths decreased during the year in part because of the work of the International Committee of the Red Cross (ICRC) (see Section 1.c.).

Fighting between security forces and rebels resulted in many civilian deaths. On February 24 and 25, rebels attacked Kinama, a northern suburb of Bujumbura. During the following 2 weeks of fighting, both government and rebel forces allowed civilians to escape; nonetheless, many civilians were trapped and killed. During the fighting, Hutu rebels shelled adjacent Tutsi neighborhoods, killing and injuring several civilians. The rebels allowed civilians to return to their homes to remove belongings; however, there were credible reports that government soldiers summarily executed civilians who attempted to return, accusing them of being collaborators. A local nongovernmental organization (NGO) reported that more than 200 bodies were found after the fighting ended. The U.N. estimated that as many as 300 civilians may have been killed or injured. No action reportedly was taken against the responsible government soldiers or rebel forces by year's end.

Comprehensive and accurate information about landmines was hard to obtain; however, there were credible reports that the security forces increased use of landmines during the year. Following the battle with rebel forces in Kinama in February and March, government forces laid landmines near Bujumbura's international airport and in the Tenga area of Bujumbura Rural province. There also were reports that landmines were laid near Kanyosha; it is unclear whether government or rebel forces laid the landmines. Government forces also reportedly continued to mine the border with Tanzania to prevent rebels from crossing the border.

On January 29, in Mutimbuzi commune, Bujumbura Rural province, one civilian was killed and another seriously injured by an antipersonnel landmine planted by the army. On March 9, a landmine explosion killed a child in Kabizi commune, Makamba province. On June 23, in Mutimbuzi commune, a landmine explosion killed one civilian and seriously injured two others.

The investigation into the May 2000 torture and decapitation by security forces of a man who had thrown stones at them while they looted houses in the forced regroupment camp in Kavumu, Bujumbura Rural province, continued at year's end. The soldier arrested for killing a local Bujumbura government official and four members of the official's family in April 2000, allegedly in retaliation for the killing of four soldiers by rebels, remained in detention pending trial at year's end. In February 2000, a police officer allegedly tortured to death a domestic servant who insulted the officer's wife. The officer was arrested later that day, but released in March 2000. The U.N. protested his release; however, no further action reportedly was taken against the officer by year's end.

No action was taken against the members of the security forces responsible for the following killings in 2000: The August killings of 35 civilians by soldiers in Nyambuye zone, Bujumbura Rural province; the July killings of 53 persons by soldiers in Butaganzwa commune, Ruyigi province; and the June killings of 69 persons in Taba commune, Gitega province. There reportedly was no action taken against the responsible members of the security forces by year's end.

The Government did not conclude its investigation into reports that in December 1999 soldiers shot and killed an unarmed FRODEBU Hutu parliamentarian or its investigation into reports that government soldiers killed 50 persons in August 1999, in Kanyosha. By year's end, the Government had not released the findings of an investigation into a January 1999 case in which soldiers killed more than 55 civilians in Mubone, Kabezi commune, Bujumbura Rural province, nor was any action taken against those responsible.

There was no investigation nor action taken against the members of the security forces responsible for the following killings in 1999: The October killings of 6 civilians by a government soldier at the Ruyaga regroupment site; the July killings by government soldiers of 30 civilians in Kanyosha; and the May killings by government forces of 11 Hutu civilians. There were no developments in a January 1999 case in which 178 civilians were killed either by rebels or because they were caught in a crossfire between rebels and the army.

In May 1999, the media reported a judgment in the trial of the 1993 assassination of President Melchior Ndadaye. The Supreme Court sentenced 5 members of the army to death and 23 others to prison. Another 38 persons were acquitted, 10 cases were sent back to the court for further review, and 5 cases were dropped because the suspects had died. No high-ranking army officers were convicted, although charges originally were brought against many past and present senior army members. The Chief Prosecutor, who is a Hutu, announced in June 1999 that the case would be reopened; new trials were scheduled for January. However, no trial began during the year.

On November 20, the local representative of the World Health Organization (WHO) was killed in an apparent robbery attempt. An investigation into the case was ongoing at year's end.

Hutu rebels killed Hutu and Tutsi civilians; Hutu rebels sometimes deliberately targeted and killed Tutsis. There are no definitive statistics available on how many persons were killed by Hutu rebels. The Government stated that rebels were responsible for the majority of civilian casualties. In December FNL forces raided civilian homes in Bujumbura, killing four persons and confiscating medicines, computers, and a motorcycle.

Rebels reportedly often killed persons for suspected collaboration with the Government and for their refusal to pay "taxes" to rebels. There were numerous reports during the year that Hutu rebels ambushed minibuses carrying persons on national highways, and robbed and killed the occupants. U.N. security forces reported numerous ambushes during the year; however, no exact figure was available.

On July 31, rebels attacked the Rumonge commune in the southwest part of the country and killed nine civilians; the rebels accused the residents of informing the security forces of their movements. On August 3, rebels killed 13 civilians for allegedly cooperating with the Government. On August 7, rebels attacked the Kabezi commune and killed 20 persons. No action was taken against the responsible members of the rebel forces by year's end.

Rebels attacked numerous buses and minibuses, killing many of the passengers during the year; attacks occurred throughout the country. For example, on January 1, rebels ambushed a civilian vehicle in Makamba province and killed two civilians. On March 4, rebels ambushed a minibus in Bururi province, killed one person, and injured another. On April 2, rebels ambushed several vehicles owned by the U.N. World Food Program and injured four persons. On May 21, rebels ambushed 5 civilian vehicles in Ruyigi province and killed more than 10 persons. On May 25, rebels ambushed three civilian vehicles and two minibuses in Bururi province, killing five persons and injuring several others. On June 21, rebels attacked a vehicle belonging to the British NGO Children's Aid Direct, killed the driver, and briefly detained three passengers. On June 28, rebels ambushed a bus in Bubanza province, killed nine persons, and injured three others. Rebels also ambushed and killed several members of the clergy during the year (see Section 2.c.).

There were unconfirmed reports that rebels took landmines laid by government forces and later used them against the army.

In December 2000, rebel forces killed 15 civilians during an attack on a bus in Bukemba; a government investigation into the killings was ongoing at year's end.

There were no reports that rebel forces prosecuted or punished members of their groups who were responsible for the following killings in 2000: The December killings of 20 persons after the bus in which they were traveling from Kigali, Rwanda, to Bujumbura was ambushed on a road north of Bujumbura; the April killings of 3 persons in Bubanza province, 7 persons on National Route 1 in Bujumbura Rural province, and 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 2.d.); the March killings of 7 Tutsi women and children in Bukeye commune, Muramvya province; and the March killings of 6 persons in an ambush in the southern province of Makamba, on National Highway 3 between Mabanda and Nyanza Lac communes.

There were no developments in the 1999 killings of two U.N. foreign staff members and seven others in Rutana province. The Government continued to blame the rebels for the attack; rebels accused the armed forces of committing the killings.

On September 8 in Cibitoke, a suburb of Bujumbura, a member of the pro-Tutsi party PA-Amasekanya and a government soldier were killed in an apparent rebel attack. Several Hutus in Cibitoke reportedly were abducted and killed in retaliation; it was unclear if the Hutus were killed by security forces, civilians, or both. No action was taken against the responsible persons by year's end.

Media and NGO reports indicate that more than 200,000 persons, mostly civilians, have been killed in ethnic violence since October 1993; however, the source of this figure is unclear. One international NGO estimated the number to be between 100,000 and 120,000. No credible countrywide casualty figures were available. The Government and security forces frequently prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators and the victims. Much of the extrajudicial killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi, as well as in the central and western provinces of Muramvya, Mwaro, and Cibitoke.

There were a number of urban bombings during the year. In August several persons were killed and injured in a grenade attack in the market of Kinama; a grenade also was thrown in a restaurant in Bujumbura. No suspects were identified by year's end. The Chief Prosecutor stated that the Government would create special ad hoc committees composed of police officers and magistrates to investigate each incident; however, no action was taken by year's end. No suspects were identified by year's end for several hand grenade attacks in 2000.

No suspect was identified by year's end for the October 2000 murder of an Italian nun in Gitega.

b. Disappearance

Human rights groups reported that abductions and disappearances occurred during the year. There were credible reports that abductions increased during the year; however, no credible overall figures were available. Rebels were responsible for many of the disappearances; rebels kidnaped and raped women (see Section 1.c.).

On May 11, rebels kidnaped six Burundian workers for the Dutch NGO Memisa. On May 16, the workers were released unharmed after the NGO allegedly paid a ransom.

On June 21, rebels attacked a vehicle belonging to the British NGO Children's Aid Direct, killed the driver, and briefly held three passengers hostage.

On August 6, rebels attacked the Rumonge commune and abducted two young men and two young women; the two women reportedly were released later in the year. There was no information on the whereabouts of the two men by year's end.

On November 6, rebels from the Forces for the Defense of Democracy (FDD) abducted 4 teachers and approximately 50 students in grades 4 to 6 from Kirambi primary school in Ruyigi province to serve as soldiers.

On November 9, FDD rebels abducted approximately 250 students from Musema high school in Kayanza province and set fire to the school, which was destroyed. The rebels forced the students to transport goods stolen from nearby homes and shops and beat those who faltered en route. Most of the students reportedly were released later in the year; however, the rebels still held some students at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Transitional Constitution Act prohibits such practices; however, members of the security forces continued to torture and otherwise abuse persons. According to League Iteka, a local human rights NGO, the Government used torture almost systematically.

In October the Burundian Association for the Defense of the Rights of Prisoners (ABDP), a local NGO, conducted a survey on the use of torture in Mpimba prison in Bujumbura and in the provincial prisons and detention centers in Rumonge, Gitega, Rutana, Muramvya, Ruyigi, Bubanza, Bururi, and Ngozi provinces. The ABDP estimated that prison officials and security forces used beatings with batons and pipes, tying victims with ropes, electrocution, burning, bayonets, and needles to torture up to 45 percent of the prison population.

According to League Iteka, on March 21 in Gitega, police tortured Methode Nkurunziza, who later died; it was unknown if he was in police custody at the time. No action reportedly was taken against the police by year's end.

According to League Iteka, on May 26, a district administrator and three merchants in Bweru commune, Ruyigi province, tied 15-year-old Emmanuel Ntikarahera to bars on store windows and beat him with a club in front of a crowd. Ntikarahera, who was suspected of theft, died the next day. No action was taken against the administrator or the merchants by year's end.

Gendarmes beat at least one journalist during the year (see Section 2.a.).

Members of the security forces raped numerous women during the year. There were credible reports that soldiers raped women almost nightly in the months following the February and March fighting between security forces and rebels (see Section 1.a.). In April in Kinama, three soldiers and a civilian raped an 80-year-old woman. In July in Kinama, two soldiers raped a 12-year-old girl during a robbery. On July 9, a group of civilians

killed a soldier who had threatened to rape a woman (see Section 1.a.). No action reportedly was taken against the responsible civilians by year's end.

On May 13, the Government forcibly prevented representatives of the G-8 Tutsi parties from holding a press conference in Bujumbura (see Section 2.b.). When the representatives protested, gendarmes beat participants with their fists and the butts of their rifles.

Government troops continued to use excessive force in areas where there were civilians and often fired deliberately on Hutu civilians. Security forces also reportedly shot at Tutsi students who supported the July coup attempt. However, unlike in the previous year, there were credible reports that on several occasions government troops warned civilians to leave an area shortly before attacking rebels.

Several persons were killed or injured during the year when landmines laid by government and rebel forces exploded (see Section 1.a.). League Iteka reported that several persons were injured when landmines laid near the airport exploded. On June 23 in Kinama, two children were injured when a landmine exploded.

There also were reports that soldiers used children for forced labor (see Sections 5, 6.c., and 6.d.).

No action was taken against the members of the security forces responsible for torturing, raping, or otherwise abusing the persons in the following cases in 2000: The December case in which security forces used tear gas to disperse forcibly a group of students; the November case in which government troops injured civilians after forcing them to remove foliage near a battleground; the May torture and decapitation of a man who had thrown stones at security forces in the Kavumu regroupment camp; the February torturing to death of a domestic servant by a police officer; the February beatings by police of several demonstrators; and the numerous rapes of women in regroupment camps by government soldiers.

During the year, the Government created the Guardians of the Peace, armed paramilitary civil defense units, to police the area in and around Bujumbura, the suburbs of Bujumbura, and Bujumbura Rural, Ruyigi, Rutana, and Bururi provinces. Members of the Guardians of the Peace are unpaid and poorly trained; some were conscripted. There were credible reports that the Guardians of the Peace also recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. Members of the Guardians of the Peace are required to turn in their weapons and ammunition at the end of their shifts and to account for any missing ammunition; it was unknown if this occurred in practice. There were credible reports that members of the Guardians of the Peace harassed, extorted money from, beat, raped, and in some instances killed civilians.

The Government also provided weapons to Hutu and Tutsi civilians in Bujumbura to be used in self-defense. In some cases, the weapons were provided to individual civilians, in others they were placed in central locations in communities to be accessed in an emergency. There were no reports that the dissemination of weapons in Bujumbura resulted in abuses.

Rebels killed, beat, and stole from civilians, and kidnaped and raped women (see Sections 1.a. and 1.b.).

An investigation was ongoing at year's end into the December 2000 incident in which rebel forces killed 15 civilians during an attack on a bus in Bukemba (see Section 1.a.).

Prison conditions remained harsh and were in some cases life threatening. Harsh prison conditions contributed to the deaths of prisoners from disease and malnutrition. Conditions in Ministry of Justice-run prisons continued to improve, largely due to efforts by the ICRC and a local NGO to improve sanitation, hygiene, medical care, food, and water. The Government raised the daily dried food allowance from 10.5 ounces of beans to 12.25 ounces of beans a day in addition to 12.25 ounces of manioc; however, prisoners still relied on family members to provide an adequate diet. According to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. Severe overcrowding persisted. According to the Government, 9,013 inmates were housed in facilities built to accommodate a maximum of 3,650 persons during the year. A local NGO estimated that the prison population was more than 9,300. With the return of the ICRC, the death rate in the prisons containing 80 percent of all inmates dropped from 2.3 deaths per 10,000 per day in 1999 to 0.4 deaths per 10,000 in 2000. The death rate remained the same during the year. Women are detained separately from men; however, juveniles were incarcerated with adults throughout the prison system (see Section 5). Political prisoners often were not held separately from convicted prisoners. Pretrial detainees generally were held in detention camps; however, some also were incarcerated with convicted prisoners (see Section 1.d.).

International and local human rights monitors were permitted to visit most prisons and to speak with inmates;

however, they were denied access in some cases (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

The criminal code prohibits arbitrary arrest, detention, and exile; however, the code was not respected and security forces arbitrarily arrested and detained persons. The law requires arrest warrants, and presiding magistrates are authorized to issue arrest warrants. Police and gendarmes can make arrests without a warrant, but are required to submit a written report to a magistrate within 48 hours. The law requires that suspects appear in court within 7 days. A magistrate can order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The police are required to follow the same procedures as magistrates; however, the police have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Human rights organizations and the U.N. reported that incommunicado detention exists, although the law prohibits it. Bail was permitted in some cases. Limits on the length of pretrial detention were not respected.

There were numerous instances of arbitrary arrest, including several arrests of journalists who were released after paying a fine (see Section 2.a.). On March 31, Dr. Alphonse Rugambara, the chairman of the pro-Tutsi party Inkinko, was arrested for accusing President Buyoya of allowing the rebels to attack Kinama. He was released on April 19; however, the Government continued to investigate Rugambara at year's end. On April 8, Joseph Nzeyimana, the president of the Raddes party and a supporter of transition government candidate Colonel Epitace Bayaganakandi, was arrested for making "false accusations" against the Government; Nzeyimana was released on May 10 after paying a fine. On April 26, 28 members of the PARENA party were arrested while visiting two party members who had earlier been arrested for suspected involvement in the April attempted coup; all 28 were released on April 30 without charges.

Authorities arrested numerous persons for organizing unauthorized demonstrations (see Section 2.b.).

Unlike in the previous year, there were no arrests of union leaders or members.

In May 2000, security forces arrested seven residents of the Kavumu regroupment camp while conducting a search of residences (see Sections 1.f. and 2.d.); one of the seven later was found decapitated (see Section 1.a.). In August 2000, police arrested Raphael Horumpende, twin brother of COSYBU president Pierre-Claver Hajavandi who called for a general strike and accused Horumpende of involvement in a grenade attack on the Buyenzi market; both brothers were released during the year (see Section 6.a.). In August 2000, authorities arrested and detained several protesters during a rally against the peace process, including the president of a labor union.

The disruption of the political process and the generally poor security conditions severely impeded the judicial process. The ICRC estimates that 70 percent of the prison population is in pretrial detention in the approximately 60 temporary detention camps run by the Ministries of Defense and Interior (see Section 1.c.). The ICRC estimates that 2,000 to 3,000 persons were held in such camps. Family members were expected to provide all food for detainees, although in some instances family members were not notified of the detention of their relatives. Despite being designed as temporary, there were credible reports that some detainees were kept in these camps for extended periods of time.

Although the U.N. believed that the Government improved its compliance with the time limits on detention set by the new penal code, the ICRC, the U.N., and a local human rights organization reported that the prison population increased during the year, reversing the trend that began in 2000 when at least 1,000 persons without files were released. The Chief Prosecutor attributed the increase in the inmate population to improvements in properly charging suspects.

The law does not provide for forced exile, and the Government does not use forced exile as a means of political control; however, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere. Some senior authorities maintain members of their families outside the country. Pancrace Cimpaye, the publisher of the FRODEBU opposition newspaper *La Lumiere*, chose to exile himself after receiving threats for publishing a list of the names and provinces of origin of all military officers in March (see Section 2.a.). At least two politicians, one a Tutsi and the other a Hutu, who fled the country in 1996, returned following the July agreement to start the transition government. A number of officials of the Government of deposed president Sylvestre Ntibantunganya, who fled the country in 1996, did not return.

e. Denial of Fair Public Trial

The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is not independent of the executive and is dominated by ethnic Tutsis. Reform of the judicial system is a priority of the 2000 peace accord, which has not yet been implemented. An international human rights organization estimated that ethnic Hutus account for only 10 percent of the country's lawyers and 5 percent of High Court judges; in lower courts, 10 percent of the judges are Hutu, although Hutus constitute an estimated 85 percent of the population. This discrepancy is due in part to unequal access to education, and in part to the conflict in which a number of Hutu judges and lawyers were killed or fled the country. Most citizens assume that the courts promote the interests of the dominant Tutsi minority; members of the Hutu majority believe that the judicial system is biased against them. The Chief Prosecutor, who is Hutu, led a government effort during the year to recruit Hutu attorneys living abroad to return to the country to work as magistrates. Seven Hutu attorneys returned during the year.

The judicial system is divided into civil and criminal courts with the Supreme Court at the apex. The armed forces have a separate judicial system, and there is a labor court.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory are presumed innocent and have the right to appeal; however, in practice some lawyers say that the structure of the court system inappropriately limits the possibility of appeals for defendants accused of the most serious crimes. While defendants have a right to counsel and to defend themselves, in practice few have legal representation. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. Many citizens have lost confidence in the system's ability to provide even basic protection. The majority of persons arrested on criminal charges since October 1993 remain in pretrial custody.

The criminal code provides for suspects' rights to a lawyer before official charges are filed and during pretrial investigations. Not all aspects of the code were respected, particularly the section that requires that detainees be charged and appear in court within 7 days of their arrest, although the U.N. reported some improvement in this area during the year. Authorities sometimes are unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources and poor security conditions. The Government postponed fewer trials than in previous years.

Unlike in the previous year, there were no executions. In 2000 two soldiers were executed for murder without having had legal representation during their trial or the chance to appeal their convictions. These were the first executions since July 1999. According to the law, the prisoners had a right to appeal to the military's court of appeal, then to the Supreme Court, and then to the President for clemency; however, this did not occur.

The Government holds political prisoners. An international organization estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures are available. Charges against defendants convicted for nonpolitical crimes sometimes are politically motivated. The 2000 peace agreement, which has not been implemented fully, calls for the creation, within 30 days of the installation of the transitional government, of a commission to investigate and make recommendations on the existence and release of any political prisoners. In December a commission of international legal experts arrived in Burundi to examine the judicial system and to identify political prisoners.

The ICRC reached a formal agreement during the year with the Ministry of Interior regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict." Similar agreements between the ICRC and the Ministries of Justice and Defense already were in place. The Ministries cooperate with the ICRC.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Transitional Constitutional Act provides for the right to privacy; however, the authorities do not respect the law requiring search warrants. Security forces are widely believed to monitor telephones regularly.

In October in Muzinda, government forces killed civilians and destroyed numerous buildings, including homes, schools, and local administration buildings, in reprisal for the October 4 killings of soldiers by rebels (see Section 1.a.).

In November rebels attacked and destroyed numerous schools; the rebels also abducted teachers and students (see Section 1.b.).

There were no regroupment camps in operation during the year, and unlike in the previous year, the Government did not relocate forcibly any persons. In May 2000, security forces conducted a search of

residences at the Kavumu regroupment camp. Residents protested that soldiers stole their belongings and some of the residents threw rocks at the soldiers. Seven residents were arrested (see Section 1.d.); one of the seven later was found decapitated (see Section 1.a.). A National Assembly committee on human rights launched an investigation in May 2000; however, no findings were made public by year's end.

International humanitarian aid agencies could not reach some of the IDP's in remote sections of Bujumbura Rural province because they were prevented from doing so by security forces (see Sections 2.d. and 4). Government security forces prevented human rights observers, particularly local ones, from traveling to some parts of the country ostensibly for security reasons (see Section 4).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Transitional Constitutional Act does not impose restrictions on the media; however, the Government restricted freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication. The Government controls the media and harasses and detains journalists. Journalists practice self-censorship.

The Government restricted freedom of speech during the year; the Government arrested several persons for allegedly making false statements (see Section 1.d.). On May 1, the Government prevented the president of the Confederation of Burundi Unions (COSYBU) from giving the traditional Labor Day address (see Section 6.a.). On June 13, a local administrator and army commander interrogated an expatriate NGO employee and many members of local associations from Kamenge and Kinama after they sent reports to diplomatic missions and human rights organizations about human rights violations perpetrated by security forces during the February and March conflict in Kinama and Kamenge (see Sections 1.a. and 1.c.). The administrator and commander told them that they did not have the right to discuss human rights abuses in the northern suburbs because the country was at war.

The Government controlled much of the news, since it owns the only regularly published newspaper and the major radio and television stations. The government-owned *Le Renouveau* was published three times a week. The one opposition newspaper, *La Lumiere*, ceased publication in March after it published lists of colonels, their hometowns, and their ownership shares in parastatal companies; the owner received threats from unknown persons, and as a result decided to cease publishing. Political tracts circulated, and two private faxed newsheets, *Azania* and *NetPress*, were published almost daily and represented mainly Tutsi political viewpoints. In December government authorities halted *NetPress* operations and detained its editor for 1 week pending investigation of allegations of insulting the President and spreading harmful information. *Netpress* remained closed at year's end, and the charges against the editor were dropped when his family paid a fine without his knowledge and against his wishes.

The Government and its security forces harassed journalists, questioned and detained them, and searched and seized their property. On March 2, the Minister of Communication threatened to prosecute journalists and shut down news organizations that the Government believed were "disseminating false information, divulging defense secrets, promoting the enemy, or promoting panic." The Government remained very sensitive to reporting on the country's internal conflict, and continued to threaten independent radio stations with shutdown if they disseminated reports that contradicted the official line.

Pancrace Cimpaye, the publisher of *La Lumiere*, chose to go into exile after receiving threats for publishing a list of the names and provinces of origin of all military officers in March. A disproportionately large percentage of officers are Tutsis from Bururi province (see Section 5).

The government-owned radio broadcasts in the Kirundi language, French, and Swahili, and offers limited English programming. The independent radio station, Radio Bonesha, formerly Umwizero, which is financed by international donors, continued its broadcasts in French, Kirundi, and Swahili. On May 3, Radio Public Africa (RPA), a new independent radio station, began broadcasting in French, Kirundi, and Swahili. International donors also fund the RPA. Listeners also can receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and Radio France Internationale. Citizens were allowed to work as local stringers for foreign news organizations and filed reports regularly. Due to widespread poverty and limited literacy, radio remained the most important medium of public information.

On March 12, the Government's intelligence service arrested without a warrant Gabriel Nikundana, a journalist for the independent radio station Radio Bonesha. On March 15, Abbas Mbazumutima, the station's chief editor, also was arrested. The two journalists were accused of "disseminating information that serves the

propaganda purposes of the enemy during war" and other charges. They were released after paying a fine; the charges were dropped. Several other journalists were investigated for alleged ties to rebels.

On October 20, gendarmes arrested and beat Alexis Sinduhije, a reporter with the independent RPA, following a meeting with foreign military officers. Sinduhije was fined and released on October 21.

No laws or regulations limit academic freedom, and no action was taken against persons at the University of Burundi for what they published or said. However, the population of both staff and students at the university remains primarily ethnic Tutsi. Tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. Following the April and July coup attempts, some Hutu students left the university when armed Tutsi students appeared on campus. The Government conducted an investigation, but no weapons were found. One Tutsi student affiliated with the PARENA party was arrested and released without being charged.

Unlike in the previous year, there were no student demonstrations or staff strikes during the year.

b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of assembly; although the Transitional Constitutional Act permits political demonstrations, the Government does not permit them in practice.

During the year, the Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process (see Section 3).

On May 8, gendarmes surrounded a house in Bujumbura where supporters of Bayaganakandi were holding a meeting regarding the peace process. Gendarmes forcibly disrupted the meeting, and many of the participants departed immediately on foot. Gendarmes arrested a number of persons and seized many vehicles. Several individuals were held for 24 hours and released, and all vehicles were returned to their owners.

On May 10, gendarmes prevented the G-8 Tutsi parties from holding a meeting in Ngarara, a northern suburb of Bujumbura. On May 13, the Government barred representatives of the G-8 Tutsi parties from holding a press conference in Bujumbura. When the group protested, gendarmes violently dispersed the crowd and beat participants with fists and rifle butts. No action reportedly was taken against the responsible gendarmes by year's end.

In August authorities arrested protesters who attempted to demonstrate without authorization; they were released after paying fines.

On September 18, seven executive members of the PARENA party were arrested and detained for organizing a demonstration without municipal authorization; they were released on October 1.

Diomed Rutamucero, the president of PA-Amasekanya, a Tutsi self-defense group, was arrested several times during the year for attempting to organize demonstrations in Bujumbura without municipal authorization.

No action was taken against members of the security forces who used excessive force to disperse demonstrations in December and February 2000.

The Government restricts freedom of association and has arrested members of organizations and political parties. Private organizations are required to present their articles of association to the Ministry of Interior for approval, a process that can take years if the Government dislikes the organization. The Transitional Constitutional Act permits political parties to operate; however, the Government places restrictions on groups critical of its policies.

c. Freedom of Religion

The Transitional Constitutional Act provides for freedom of religion, and the Government generally respects this right in practice.

The Government requires religious groups to register with the Ministry of Internal Affairs, which keeps track of their leadership and activities. The Government requires that religious groups have a headquarters in the country. While there is no law that accords tax exemptions to religious groups, the Government often waives

taxes on imported religious articles used by churches and also often waives taxes on the importation by churches of goods destined for social development purposes. These exemptions are negotiated with the Finance Ministry on a case-by-case basis, and there is no indication of religious bias in the awarding of such exemptions.

In April the Government arrested the leader of an indigenous religious group and closed down his church after the leader's claims to divinity led to repeated clashes with a rival leader's adherents; the leader subsequently was released. The Government claimed to be motivated by concern for public order rather than religious bias.

On June 9, FDD rebels killed Anglican archdeacon Jodi Beheda and two other persons in an ambush on their van near Makamba. On June 11, rebels killed one nun in an ambush on a vehicle in the area of Mutambara belonging to the Roman Catholic bishop of Bururi. No action reportedly was taken against the responsible members of the rebel forces by year's end.

In 2000 there were reports that unidentified attackers killed an Italian nun in Gitega. Observers believe that the attack was criminal, not political in nature. No person was arrested by year's end.

d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation

The Transitional Constitutional Act provides for these rights; however, the Government restricts them in practice. There was a government-imposed curfew in parts of the country; in Bujumbura the curfew begins at 11 p.m. and ends at 5 a.m. In 2000 the Government discontinued its forced regroupment policy that required approximately 330,000 Hutus from Bujumbura Rural province to live in government-controlled camps; there were no reports of forced regroupment during the year. Approximately 100,000 persons fled their homes during the year. Some IDP's were difficult to access.

The Government cited real and claimed insecurity in rural areas in denying access to some areas of the country to human rights observers (see Section 4).

The majority of citizens could travel legally in and out of the country. Travel within the country was possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba provinces. Rebel attacks on buses and minibuses throughout the year resulted in numerous deaths and injuries (see Sections 1.a. and 1.c.).

According to the U.N., there were more than 353,000 IDP's living in 212 sites at year's end, which represents approximately 5 percent of the total population. Many were Tutsis who fled to other parts of the country starting in 1993 because of ethnic violence and never returned home. Soldiers did not restrict the movement of residents of IDP camps. Soldiers guarding these camps provided a measure of protection to camp inhabitants; however, they sometimes committed human rights abuses against them. There were no reports of abuses committed against IDP's during the year. Camp inhabitants often were required to perform labor for the soldiers without compensation (see Section 6.c.).

Approximately 200,000 IDP's lived outside displacement sites and stayed with friends, families, or on their own, beyond the reach of aid programs. Some persons who remained outside the sites reportedly were killed by Hutu rebels allegedly for collaborating with authorities, and by the armed forces on suspicion of collaborating with the rebels (see Section 1.a.).

The law does not provide for the granting of refugee or asylum status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there is a special ad hoc administrative body in the Government that coordinates refugees, and the Government cooperates with the U.N. High Commissioner for Refugees (UNHCR). The Government has granted first asylum in recent years. Approximately 26,000 citizens of the DRC live in the country; 3,800 are registered with the UNHCR. Rwandan refugees who fled the 1994 ethnic massacres in Rwanda departed the country by 1997. Another 200,000 Rwandans who came in earlier waves of refugees, some as early as 1959, are not registered officially with the UNHCR and have integrated into the society.

According to the U.N., more than 560,000 Burundian refugees, most of them Hutus, remained in Tanzania. Approximately 200,000 of these persons fled as early as 1972, and many fled following the assassination of former president Ndadaye in October 1993. More than 23,000 additional refugees, most of them Hutu, are in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia.

Unlike in the previous year, there were no reports that the Government hired mercenaries to invade refugee camps in Tanzania.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to

Change their Government

Citizens do not have the right to change their government. The Transitional Constitutional Act makes no provision for elections. The 1992 Constitution and 1994 Convention of Government were suspended by the Buyoya military regime that assumed power on July 25, 1996, in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. Approximately 3 weeks later, President Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The opposition party, FRODEBU, which is mostly ethnic Hutu, holds just over half of the National Assembly seats. On November 1, President Buyoya was sworn in as president for the first 18 months of the 3-year transitional period.

In April 1998, multiparty peace talks began in Arusha, Tanzania, and the Government subsequently launched an internal peace process. On June 4, 1998, Buyoya's regime and the National Assembly entered into a partnership agreement. The National Assembly adopted the Transitional Constitutional Act and a Transitional Political Platform. The act changed the structure of government by eliminating the post of prime minister, creating two vice presidents, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The act placed no time limits on the President's or the National Assembly's term of office. On August 28, 2000, the Buyoya regime and other negotiating parties present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30, 2000. The peace agreement instructs the country's next transitional government to hold local, national, and presidential elections within a 3-year period, and to oversee elections for a newly formed Senate; however, this agreement was not implemented fully by year's end. Representation of both Hutus and Tutsis in institutions, including the army, the National Assembly, and a proposed Senate, is a key component of the agreement.

In July President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period on November 1. According to the terms of the agreement, on November 1, Buyoya was sworn in as president and Domitien Ndayizeye, the secretary general of FRODEBU, was sworn in as vice president. Under the agreement, they will serve for 18 months; the G-7 Hutu parties will then select a president, and the G-10 Tutsi parties will select a vice president. The Vice President and 15 of the 26 cabinet ministers are members of the G-7 Hutu-based political parties. The cabinet also is composed of 11 Tutsis. Progovernment ethnic Tutsis serve as Ministers of Defense and Foreign Affairs.

The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It calls for the creation of an international tribunal to try crimes of genocide. Although the peace accord also provides for a commission of inquiry on genocide as well as a National Truth and Reconciliation Commission to investigate other crimes, the agreement was not implemented fully, and no commissions were created by year's end.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the National Assembly took place in June 1993. The Transitional Constitutional Act stipulates that the National Assembly shall consist of 121 parliamentarians: Those elected in 1993 who sat in the previous National Assembly, plus 40 new members--28 members of civil society appointed by the President and one representative each (selected by their respective parties) from all 12 officially recognized political parties not previously represented. Not all of those elected in 1993 are alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats.

Political parties operate under significant constraints. The Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process (see Section 2.b.). Police often prevented or disrupted political demonstrations and arrested demonstrators (see Sections 1.c., 1.d., and 2.b.).

The National Assembly has nominal budgetary oversight, but the Council of Ministers legally can enact a budget if the National Assembly fails to do so. The Transitional Constitutional Act gives the President the authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court, and the National Security Council, which has not been convened since 1996.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of women in the political process. Of the 26 cabinet seats, women fill 3: The Minister of Social Affairs; the Minister of Reintegration of Refugees; and the

Minister at the Presidency for HIV/AIDS. In 1993 women were elected to 9 of 81 seats in the National Assembly. The expansion of the National Assembly under the Transitional Constitutional Act and the filling of vacant seats have brought the total number of female National Assembly members to 17. Of the 53 members of the newly appointed Senate, 10 are women. Two of the nine members of the Supreme Court are women, as are three of the seven Constitutional Court members, including its president.

The percentage of minorities in government or politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of minorities in the political process. Approximately 1 percent of the population is Twa (Pygmies), but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly, and three are members of the Senate (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, League Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. The U.N. Special Rapporteur for Human Rights visited twice during the year. The office of the UNHCR maintained a three-person observer team, down from nine observers in 1999. The observer reductions resulted from security restrictions following an October 1999 attack on a U.N. humanitarian mission.

Real and claimed insecurity in rural areas was cited by the Government in denying access to journalists, international relief workers, and human rights observers to some areas of the country (see Sections 1.f. and 2.d.). Army elements in the field frequently denied access to human rights observers to areas where the army was accused of human rights violations. Human rights NGO's frequently were unable to investigate reports of killings because of these restrictions. In 2000 the U.N. resumed normal field operations in much of the country following the deaths of two workers in 1999. Many areas of the country, particularly near Bujumbura, near the border with the DRC, and near the border with Tanzania, remain off limits for normal operations.

On June 13, an expatriate NGO employee and many members of local associations from Kamenge and Kinama were summoned and interrogated by a local administrator and army commander for having sent reports to diplomatic missions and human rights organizations about human rights violations perpetrated by security forces during the February and March conflict in Kinama and Kamenge (see Section 2.a.).

Section 5 Discrimination Based on Sex, Religion, Disability, Language, or Social Status

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions, and discrimination persists. Hutus continued to perceive, correctly, that the Tutsi-dominated Government and army discriminate against them. The question of exclusion was a central question during the peace talks. Discrimination against persons with disabilities is a problem.

Women

Domestic violence against women is pervasive; however, inadequate data make it impossible to quantify. Wives have the right to charge their husbands with physical abuse, but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women. The law does not prohibit specifically domestic violence; however, persons accused of domestic violence can be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Government rarely investigates such cases, and prosecutions are rarer still. According to League Iteka, women are beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement.

The law prohibits rape, which is punishable for up to 20 years' imprisonment. Soldiers killed women, and there were numerous credible reports that government and rebel soldiers raped women (see Sections 1.a. and 1.c.).

Prostitution is a problem. According to the Women's Commission for Refugee Women and Children, the ongoing conflict has forced many women into prostitution to feed their children. Increased prostitution has contributed to the growing incidence of HIV/AIDS.

Women face legal and societal discrimination. Explicitly discriminatory inheritance laws and credit practices continued. By law women must receive the same pay as men for the same work, but in practice they do not. Women are far less likely to hold mid-level or high-level positions. In rural areas, women traditionally perform

arduous farm work, marry and have children at an early age, and have fewer opportunities for education than men.

Several local groups work in support of women's rights, including the Collective of Women's Organizations and NGO's of Burundi and Women United for Development.

Children

The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children and, in particular, of the large population of children orphaned by the violence since 1993 and by HIV/AIDS. Many of the victims in the civil war are children, and many children have lost family members and witnessed violence.

More than a quarter of the primary schools have been destroyed in the war, and many teachers have been killed. Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. The Government provides elementary education at nominal cost through grade six; however, inequitable distribution of educational resources favors those children in southern and central areas of the country, according to International Alert, an international NGO. Education is not compulsory. Approximately one-third of primary school-aged children attended school in 1999; less than 9 percent of children aged 13 to 19 years attended school. School attendance rates were lower for girls than for boys. Girls comprised only 44 percent of primary school students and 30 percent of secondary school students. Female illiteracy is a problem. Only 22 percent of women are literate compared to 46 percent of men. According to the Women's Commission for Refugee Women and Children, school attendance rates for girls are well below school attendance rates for boys and only 25 percent of university students were women. Rebels abducted numerous children and teachers during the year and destroyed schools (see Section 1.b.).

The ongoing conflict and increasing prevalence of HIV/AIDS has increased the number of orphans, which has resulted in an increase in the number of street children. Teenage prostitution is a problem (see Section 6.d.). In 2000 the Government began a campaign to reduce underage prostitution.

There were reports that government and rebel forces used children for forced labor (see Sections 1.c. and 6.c.). There were unconfirmed reports that children continued to serve in the armed forces and that the Government continued to recruit child soldiers. The National Assembly voted in favor of the ratification of the Additional Protocol Against Child Soldiers late in the year. With the approval of the National Assembly, the President has the authority to issue a decree ratifying the Protocol and to transmit an instrument of ratification. There was no information on whether the decree had been issued or whether the Government deposited its instrument of ratification of the Additional Protocol. The National Assembly's approval of the ratification was completed before the existence of the Senate; therefore, the Senate's approval likely is unnecessary. On November 6 and 9, FDD rebel forces abducted hundreds of primary school students to serve as soldiers in the ongoing conflict with government forces (see Sections 1.b. and 1.c.).

Persons with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Discrimination against persons with disabilities is a problem. There are few job opportunities for persons with physical disabilities in the country, where most jobs involve significant manual labor.

Indigenous People

The Twa (Pygmies), who are believed to be the country's earliest inhabitants, now make up approximately 1 percent of the population, and generally remain marginalized economically, socially, and politically (see Section 3). Most Twa live in isolation, without formal education, and without access to government services, including health care.

National/Racial/Ethnic Minorities

The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis and regional inequities between southern Bururi province and much of the rest of the country. Almost 4 decades of violence and systematic societal discrimination have exacerbated the genocide and exclusion fears of both Tutsis and Hutus. Tutsis claim to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis, historically have held power, and they dominate educated society and control the security

forces. In 1996 Major Pierre Buyoya, a southern Tutsi, deposed President Ntibantunganya, a central Hutu, in a coup.

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions. The Tutsi-dominated Government and army discriminate against Hutus. Northern and eastern Tutsis also have a more difficult time acceding to positions of power. State discrimination against Hutus, who constitute an estimated 85 percent of the population, affects every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system. The President and the Tutsi-dominated army retained their dominance in decision-making and do not share power equally with Hutu members of the Government.

Section 6 Worker Rights

a. The Right of Association

The Labor Code protects the rights of workers to form unions; however, the army, Gendarmerie, and foreigners working in the public sector are prohibited from union participation. Most union workers are urban civil servants. Tutsis dominate the formal sector of the economy and the unions. According to the Confederation of Free Unions of Burundi (CSB), an umbrella trade union, 60 percent of the 80,000 formal private sector employees are unionized. All employees in the public sector, except those prohibited by law, are unionized.

Since gaining independence from the Government in 1992, the CSB has been dependent financially on a system of checkoffs, or voluntary contributions, as are local unions. In 1995 a rival trade union, COSYBU, was founded. The Government interfered in the COSYBU's selection process by refusing to recognize union leaders selected by members in union congresses.

The Labor Code permits the formation of additional unions or confederations outside the CSB. When settling disputes in which more than one labor union is represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate in the negotiations.

The Labor Code provides workers with a restricted right to strike. The restrictions on the right to strike and to lock out include: All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labor determines if strike criteria have been met. The law prohibits retribution against workers participating in a legal strike.

In January the employees of the state-owned sugar company went on strike after they did not receive a pay raise promised by President Buyoya during his visit to the factory. The strike was declared illegal, and workers were threatened with dismissal. The workers did not receive a pay raise; however, they did receive some back pay from 2000.

Employees of Onatel, the country's state-owned telephone company, went on strike several times in August and September. The Government intervened and the second vice president negotiated a resolution. The resolution included replacement of some management and increased labor participation in the decision-making process. The Government had threatened to fire striking employees and to withhold salary payments; however, no action was taken on these threats.

Government workers for the Ministries of Justice, Education, and Health, and the social security agency went on strike at various times during the year because of low salaries. The Government did not recognize the legitimacy of any of these strikes, and none was successful. In response to the strikes at the Ministry of Justice and Education, the Government agreed to examine the grievances of Justice employees and to provide nonmonetary compensation through low-interest housing loans to Education Ministry employees.

Unlike in the previous year, there were no arrests of union leaders or members.

COSYBU president Pierre-Claver Hajavandi and his brother Raphael Horumpende, who were arrested in 2000 and accused respectively of organizing a general strike and involvement in a grenade attack, were released during the year. However, on May 1, the Government prevented Hajavandi from giving the traditional Labor Day address, and the Government held elections for a new president of COSYBU. Hajavandi was re-elected; however, the Government declared the elections illegal and prevented him from representing COSYBU at the ILO annual conference. The Transitional Government, which was inaugurated in November, recognized

Hajavandi as COSYBU president.

The International Labor Organization (ILO) has cited the Government for several violations of ILO Convention 87 on freedom of association. The Committee of Experts has expressed specific concern about the denial of trade union rights for public servants and juveniles, the election of trade union leaders, and the rights of unions to organize, administer activities, and defend the interests of their members.

Unions are able to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

The Labor Code recognizes the right to collective bargaining, formerly acknowledged only by ordinance. Since most workers are civil servants, government entities are involved in almost every phase of labor negotiations. Both COSYBU and the CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions during the year.

Public sector wages are set in fixed scales in individual contracts and are not affected by collective bargaining (see Section 6.e.). In the private sector, wage scales also exist, but individual contract negotiation is possible.

The Labor Code gives the Labor Court jurisdiction over all labor dispute cases, including those involving public employees. Negotiations are conducted largely under the supervision of the tripartite National Labor Council, the Government's highest consultative authority on labor issues. The Council represents government, labor, and management, and is presided over and regulated by the Minister of Labor.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity. This right is upheld in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, soldiers guarding IDP sites and soldiers at military posts often require persons to cook, fetch water, chop wood, work in the fields of military leaders, and perform other chores without compensation (see Section 2.d.). The military also require persons to perform regular night watches.

The law prohibits forced and bonded labor by children; however, there were unconfirmed reports that children continued to serve in the armed forces and that the Government continued to recruit child soldiers to perform occasional tasks, such as carrying supplies. There were credible reports that Guardians of the Peace recruited children during the year to carry out routine police duties such as maintaining order in public places (see Section 1.c.).

Rebel groups also force the rural population to perform uncompensated labor, including the transport of rebel supplies and weapons. Rebels also recruit and use children for labor. On November 6 and 9, FDD rebel forces abducted primary school students to serve as soldiers (see Section 1.c.). There were no statistics on the number of child soldiers in the country.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code states that children cannot be employed by "an enterprise" even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. In practice children under the age of 16 in rural areas do heavy manual labor in the daytime during the school year. The World Bank reported that approximately 48 percent of children between the ages of 10 and 14 years worked in 1999.

The minimum age for military service is 18, but observers believe that there are some children below that age in the military. There also were credible reports that the Guardians of the Peace recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. Rebel groups also recruit children as soldiers.

Children are prohibited legally from working at night, although many do so in the informal sector. Most of the

population lives by subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector.

Teenage prostitution is a problem.

The law prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

The country has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The formal minimum wage for unskilled workers is \$0.21 (160 francs) per day in the cities Bujumbura and Gitega and \$0.14 (105 francs) in the rest of the country, with a graduated scale for greater skill levels. This amount does not provide a decent standard of living for a worker and family, and most families rely on second incomes and subsistence agriculture to supplement their earnings.

Unionized employees, particularly in urban areas, generally earn significantly more than the minimum wage. Public sector wages are set by agreement between the Government and either the CSB or COSYBU (see Section 6.b.). The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have risen.

The Labor Code stipulates an 8-hour workday and a 40-hour workweek, except in cases where workers are involved in activities related to national security. Supplements must be paid for overtime.

The Labor Code establishes health and safety standards that require an employer to provide a safe workplace and assigns enforcement responsibility to the Minister of Labor. However, the Ministry does not enforce the code effectively. Health and safety articles in the Labor Code do not address directly workers' rights to remove themselves from dangerous tasks.

Foreign workers are protected by law and are not subject to discrimination; however, they are prohibited from union participation.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.